

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

TALECRIS BIOTHERAPEUTICS, INC.,)

Plaintiff)

v.)

BAXTER INTERNATIONAL INC., et al.,)

Defendants)

C.A. No. 05-349 GMS

BAXTER HEALTHCARE CORP.,)

Counterclaimant)

v.)

TALECRIS BIOTHERAPEUTICS, INC.)
and BAYER HEALTHCARE LLC,)

Counterdefendants)

ORDER

WHEREAS, on September 7, 2006, the court held a teleconference regarding discovery disputes, including issues related to an assertion of privilege and logistics for a proposed plant inspection;

WHEREAS, having heard and considered the parties' arguments on the assertion of privilege and the withholding of documents relating to experiments correlating anticomplement activity to solvent/detergent treatment, the court finds that work product immunity as to the experiments and its subject matter has been waived due to the admitted production of related documents;

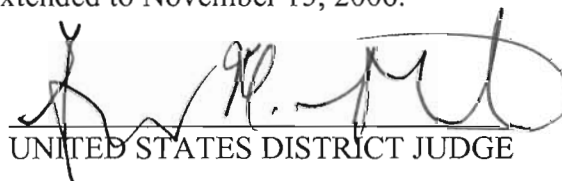
WHEREAS, the court thus finds an assertion of privilege as to such waived subject matter to be improper; and

WHEREAS, the court finds that additional time for discovery is warranted due to the logistical issues concerning the plant inspection;

IT IS HEREBY ORDERED that:

1. Plaintiff shall be entitled to discovery on the waived subject matter relating to experiments correlating anticomplement activity to solvent/detergent treatment.
2. The deadline for discovery shall be extended to November 15, 2006.

Dated: September 8, 2006


UNITED STATES DISTRICT JUDGE

